

 ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DOMINION CITRUS, LTD.
Ontario Food Terminal
165 The Queensway Room 304
Etobicoke Ontario M8Y 1H8
and

FRESH FRUIT S.A.
Parcelle No 4 1 er Etage
Nouveau Port Anza
Agadir, Morocco
and

AGRI SOUSS
P/C Fresh Fruit S.A.
Parcelle No 4 1 er Etage
Nouveau Port Anza
Agadir, Morocco
and

EL BOURA
P/C Fresh Fruit S.A.
Parcelle No 4 1 er Etage
Nouveau Port Anza
Agadir, Morocco
and

GPA
P/C Fresh Fruit S.A.
Parcelle No 4 1 er Etage
Nouveau Port Anza
Agadir, Morocco
and

LIMONA SOUSS
P/C Fresh Fruit S.A.
Parcelle No 4 1 er Etage
Nouveau Port Anza
Agadir, Morocco
and

PRIAGRUS
P/C Fresh Fruit S.A.
Parcelle No 4 1 er Etage
Nouveau Port Anza
Agadir, Morocco

: CIVIL ACTION

07 - 50

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2007 JAN 26 PM 1:19

Plaintiffs
v.
M/V BADRINATH. her engines,
machinery, tackle, apparel, etc
and
AMER SHIPPING LTD.
602, Ghinis Building
58-60 Dhigenis Akritas Avenue
PO Box 27363, Nicosia 1644
Cyprus
and
ASHWATER NAVIGATION CO. Ltd.
602, Ghinis Building
58-60 Dhigenis Akritas Avenue
PO Box 27363, Nicosia 1644
Cyprus
and
SEATRADE REEFER CHARTERING N.V.
Atlantic House (4th fl.)
Noorderlaan 147, PO Box 10.012
2030 Antwerp 3, Belgium
and
SEATRADE GROUP, INC.
Atlantic House (4th fl.)
Noorderlaan 147, PO Box 10.012
2030 Antwerp 3, Belgium
and
SEATRADE USA
442 W. Kennedy Blvd., S. 290
Tampa, FL 33606 USA
Defendants.

: NO. 07-cv- 50

**MEMORANDUM IN SUPPORT OF
MOTION FOR ORDER TO ISSUE WARRANT FOR ARREST**


Plaintiffs have moved pursuant to Supplemental Rule C for this Court to issue a Warrant for the arrest of the Defendant vessel as identified in the caption (hereinafter "vessel").

The Motion is based on the Verified Complaint filed herewith, in which Plaintiffs allege that the defendants damaged and/or lost Plaintiffs' cargo which they agreed to carry from the

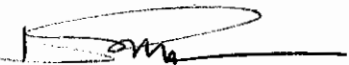
port(s) of loading to the port(s) of destination. Plaintiffs have a maritime lien claim against the vessel. *See, e.g., Hearty v. SS Ragunda*, 114 F.Supp. 869 (S.D.N.Y. 1983); *Oriente Commercial Inc. v. M/V Floridian*, 529 F.2d 221 (4th Cir. 1975); *All Alaskan Seafoods Inc. v. M/V Sea Producer*, 882 F.2d 425 (9th Cir. 1989) and has the right to arrest the vessel pursuant to supplemental Admiralty Rule C to enforce its maritime lien. *See, Salazar v. M/V Atlantic Sun*, 881 F.2d 73 (3rd Cir. 1989) Upon consideration of the Verified Complaint, issuance of the Warrant for arrest of the vessel is proper pursuant to Supplemental Rule C.

Plaintiffs therefore respectfully request that this Court grant their Motion.

Lee C. Goldstein Esq.

By: 
Lee C. Goldstein, Esquire
615 W. 18th St.
P.O. Box 1957
Wilmington, DE
Attorney ID No. 231

MATTIONI, LTD.

BY: 
DANTE MATTIONI, ESQUIRE
STEPHEN J. GALATI, ESQUIRE
Attorneys for Plaintiffs

399 Market Street, Second Floor
Philadelphia, PA 19106
(215) 629-1600

Dated: January 26, 2007